

RECEIVED

NOV 21 2005

9200/3644
#25

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



APPLICANT: ANTONIO JOSE DE ARAUJO PORTO

SERIAL NO.: 09/837,951

FILING DATE: April 19, 2001

TITLE: METHOD OF MANUFACTURING PISTONS AND
COMPONENTS THEREOF, AND FORGING TOOLS

ATTN: RANDOLPH REESE

Special Program
Examiner, Patent
Technology Center
3600

RENEWED PETITION UNDER 37 CFR 1.181 to withdraw holding of
abandonment based on failure to receive Office action

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

BY FAX AND MAIL

SIR:

After receiving the decision dated October 31, 2005 in which applicant's petition filed February 7, 2005 is dismissed, the undersigned contacted Brian Green who prepared the decision for the office of Randolph Reese, to obtain clarification of the grounds for dismissal.

The grounds for dismissal in the aforementioned decision of October 31, 2005, is listed as a requirement for "A copy of the docket record where the non-received Office communication would have been entered and docketed must be attached and referenced in practitioner's statement."

In discussing the matter with Mr. Brian Green, I (the undersigned) told him that the docket record was enclosed with the fax of February 7, 2005. Mr. Green acknowledged receiving this docket record but went on to say that he was looking for a docket record that would list all correspondence for all

cases received every day. I informed Mr. Green that we did not keep a docket record of that type. We maintain docket records for each case, and this has been effective for the last 30 years that I have been in practice. During all that time I can't recall that a docket record of all correspondence with PTO for each day and for all cases was needed. I don't recall a single incident in which an Office action was not received by us from PTO. I have also no reason to claim that I have not received an Office action. An updated copy of our docket record for the present application is enclosed.

I have also asked Mr. Green to allow me to glance at the Office actions to see if there is some indication as to why they were not received or perhaps not even mailed. To this date, I have not had this opportunity.

I suspect that because this incident was repeated twice, the Office actions were either incorrectly addressed, or they were not mailed for some reason.

I searched through our file, but I could not find either of the Office actions that were allegedly mailed.

I asked Mr. Green if I should have my present statement notarized, but he replied that this was not necessary, and that my signature to the statement was adequate. However, I am submitting this statement as a verified declaration:

The undersigned declares that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and

further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both under Section 1001 of Title 18 of the United States' Code and that such willful false statements may jeopardize the validity of the application or any patent issuing therefrom.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D. C. 20231, on 11-9-05

MAX FOGIEL
Name of applicant, assignee, or
Registered Representative
Max Fogiel
Signature
11-9-05
Date of Signature

Max Fogiel
Max Fogiel
November 9, 2005

837,451
SERIAL NO.

[illegible]